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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

LENNAR-BVHP, LLC, a California limited liability company,
Plaintiff,
v.
CH2M HILL, INC., a Florida corporation, and CH2M HILL COMPANIES, LTD., an Oregon corporation,
Defendants.

Case No. CV-08-03058 SI

MOTION TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE

1 Plaintiff Lennar-BVHP, LLC (“Lennar-BVHP”) requests that the Court continue
 2 the Initial Case Management Conference currently scheduled for October 10, 2008 at 2:00
 3 p.m. The current conference date conflicts with another federal trial being handled by
 4 Lennar-BVHP’s counsel, and a later date also would promote efficiency.

5 Randall Edwards is counsel for Lennar-BVHP in this action and would have
 6 principal responsibility at the Initial Case Management Conference. Mr. Edwards also is
 7 lead counsel in the matter of *Peoples v. County of Contra Costa*, Northern District Court
 8 Case No. C-07-0051 MHP. The *Peoples* matter presently is scheduled to begin trial
 9 before the Honorable Judge Marilyn H. Patel on October 7, 2008 -- three days before the
 10 Initial Case Management Conference in this action. Trial in the *Peoples* matter is
 11 expected to continue through much of October. Because of this scheduling conflict, Mr.
 12 Edwards would be unable to attend the Initial Case Management Conference in this case if
 13 it remained on its current date. Mr. Edwards’s partner Debra Belaga likewise has a
 14 conflict due to a long trial scheduled to begin in San Diego on October 16.

15 On September 24, 2008, Mr. Edwards spoke with Deborah Ballati, counsel for
 16 CH2. Ms. Ballati indicated that CH2 believes the claims in this case are subject to
 17 arbitration. Without prejudice to that position, CH2 did not indicate a specific objection
 18 to Lennar-BVHP’s desire to request a short continuance of the Initial Case Management
 19 Conference presently scheduled for October 10.

20 In addition, a short continuance may promote efficiency. Lennar-BVHP has not
 21 yet served Defendants CH2M Hill, Inc. and CH2M Hill, Ltd. (“CH2”) with the Summons
 22 and Complaint in this matter because the parties have been engaged in discussions
 23 regarding a potential resolution. If these discussions are unsuccessful, Lennar will be able
 24 to serve CH2 by at least October 21, 2008, which is 120 days after the Complaint was
 25 filed in this case.

26 Accordingly, Lennar respectfully requests that the Court reschedule the Initial Case
 27 Management Conference to November 14, 2008, or as soon thereafter as the Conference
 28

1 may be held.¹

2 This motion is made pursuant to Civil L.R. 6-1 and 6-3. Lennar-BVHP makes this
3 request for good cause and not for the purpose of delay. The declaration of Randall
4 Edwards accompanies this motion.

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6 Dated: September 30, 2008 O'MELVENY & MYERS LLP

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8 By: /s/ Randall W. Edwards
9 Randall W. Edwards
10 Attorneys for Plaintiff Lennar-BVHP

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¹ Mr. Edwards has a separate conflict out of the state on November 7, 2008.

[PROPOSED] ORDER

IT IS HEREBY ORDERED that the currently scheduled Case Management Conference is continued to November 21, 2008 @ 2 p.m.. The parties must file a joint case management statement with the Court at least seven days in advance of the conference.

Dated: , 2008

Susan Illston

Honorable Susan Illston
United States District Judge

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